IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.209 OF 2005

IN

WRIT PETITION NO. 98 OF 1999

Relief Road Housing Scty Asso. .. Petitioners

vs

State of Maharashtra & ors .. Respondents

Petitioner no.2 present in person

Mr.R.M.Kadam Adv.General with Mr K.R.Belosey for Respt. No.1. ..

Mr.Vinod Shetty for Intervenor society

CORAM : D.G.KARNIK, J

(Vacation Judge)

DATE: 25th May, 2005

P.C.

1. This motion is moved today in vacation for ad interim relief. In the motion, a prayer is made that the State Government be permitted to vary/modify the statement made in the affidavit dated 13th March, 2001 filed before this Court. The statement was made more than 4 years ago. The present motion was taken out on

19th April, 2005, at least 2 1/2 weeks before the court closed for the Summer Vacation. In the circumstances, I see no justification to permit the defendant move this motion during the vacation. Petitioner no. 2 who is appearing in person states that the notice has been given to him yesterday night only and his counsel is not in the town. In the circumstances, let the motion be listed for hearing before the regular Court after reopening of the Court.

2. Learned Advocate General appearing for the respondent no. 1 states that some subsequent events have happened after filing of the motion i.e.after 19th April, 2005. If so, the respondent no. 1 is at liberty to take out a fresh motion in respect of the subsequent events.

D.G.KARNIK, J